

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: NOVEMBER 19, 2015

COMMITTEE OF ORIGIN: PLANNING

BOARD VOTE: 38 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Mandatory Inclusionary Housing

WHEREAS: The New York City Department of City Planning (DCP) has proposed a zoning text amendment entitled Mandatory Inclusionary Housing (MIH); and

WHEREAS: MIH is a zoning text amendment that can be applied through a zoning map change for additional density by a ULURP action or through a special permit which creates substantial density, neither of which are likely to occur in Community District 1 (CD1) where few areas are appropriate for rezoning to a higher density; and

WHEREAS: MIH is a new proposal to use zoning to require permanently affordable housing when future City Planning Commission (CPC) actions encourage substantial new housing; and

WHEREAS: For each rezoning, the CPC and City Council can apply:

- Option 1: 25% of units set aside as affordable housing for individuals and families earning at an average of 60% AMI;
- Option 2: 30% of units set aside as affordable housing for individuals and families earning at an average of 80% AMI; or
- Option 3: 30% of units set aside as affordable housing for individuals and families earning at an average of 120% AMI (without direct subsidy), though this option is not available in Manhattan CDs 1-8; and

WHEREAS: Under MIH, required units would be new, permanently affordable units, and the proposed text amendment applies to new developments, enlargements, or conversions with more than 10 units; and

WHEREAS: Affordable units can be located either on-site in the same building as market-rate units, spread on at least half of the buildings' stories with a common street entrance and lobby; on-site, in a separate building, completely independent from the ground to the sky; or off-site on a different zoning lot located within the same community district or within ½ mile; and

WHEREAS: Other considerations are a "payment-in-lieu" option for buildings between 11 and 25 units or those under 25,000 square feet, or a reduction or waiver of requirements through the Board of Standards and Appeals based on a finding that compliance would make development financially infeasible; and

WHEREAS: MIH would be applicable for public and private applications to the CPC that encourage substantial new housing, each with its own full public review, such as City-initiated rezonings, private applications for zoning map changes, or private applications for special permits that create substantial new residential density; and

WHEREAS: CB1 is aware that other community boards and elected officials have expressed various questions and concerns regarding the text amendment, including those raised in a November 17, 2015 letter addressed to CPC Chair Carl Weisbrod from Borough President Gale Brewer and co-signed by several Members of Congress, New York State Senators, New York State Assembly Members and New York City Council Members; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 supports the objective and goals of MIH and strongly supports enabling the development of permanent city-wide affordable housing; and

BE IT

FURTHER

RESOLVED

THAT: CB1, however, opposes the MIH text amendment as currently proposed; and

BE IT

FURTHER

RESOLVED

THAT: CB1 requests the Department of City Planning and City Planning Commission seek to resolve the following concerns of CB1, as well as those reported concerns of other community districts and various elected officials, regarding the current proposal for MIH:

1. CB1 is disappointed by the minimal applicability for this proposal in CD1 and requests that DCP continually evaluate new ways to create affordable housing in CD1 and city-wide;
2. In the case that MIH would be applied in CD1, adequate city services and infrastructure improvements must be matched in order to accommodate the increased residential population;
3. CB1 firmly believes that long-term protection of affordability is as important as new resident's affordability protections;
4. An option for housing for individuals and families at 165% of AMI should be available for neighborhoods such as those within CD1, in order to accommodate for existing middle-income residents who would otherwise exceed the maximum and would not be eligible for new housing under the proposed program's current affordability options;
5. The "workforce option" also should be available in all community districts, including CD1;
6. In the case of "payment-in-lieu" fees, CB1 urges that these funds remain permanently available in the appropriate community district, rather than being relocated for use outside the district after a certain amount of time;

7. CB1 is concerned that there is no requirement for DCP to return to community districts to give an update on the progress of MIH after the program would be implemented;
8. CB1 more generally does not believe a one-size-fits-all approach to inclusionary housing is necessarily a proper approach in a city as large and diverse as New York City;
9. CB1 is concerned this program takes away zoning input and decisions from each of the community districts including CB1;
10. This program does not do enough for middle-income residents (*e.g.*, the spectrum above 80% AMI) or encourage creation of mixed-income neighborhoods;
11. The current draft of MIH effectively allows for a loophole by allowing a waiver to be granted by the Board of Standards and Appeals, again taking away community input on local-level zoning decisions;
12. This program does not fight displacement or secure adequate tenant anti-harassment protections;
13. MIH's on-site, separate building concept would replace "poor doors" with "poor buildings";
14. The trigger for applicability of MIH should be made replaced with clear, objective standards and expanded to a lower threshold for provision of affordable housing, because the "substantial new density" threshold is subjective and unclear; and
15. CB1 is concerned with the process in which this proposal was crafted, having come to the community boards only after significant input from other interests including the real estate industry.

Tobi Bergman, *Chair*
Terri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Susan Wittenberg, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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November 20, 2015

Carl Weisbrod, Director
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mr. Weisbrod:

At its Full Board meeting on November 20, 2015, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

Mandatory Inclusionary Housing (MIH) Presentation by the staff of Department of City Planning to review the impact on our district of the proposed city wide zoning text amendment: Mandatory Inclusionary Housing.

Whereas

1. As a key initiative of Housing New York (Mayor DeBlasio's housing plan), the Department of City Planning is proposing a Mandatory Inclusionary Housing program that would require a share of new housing to be affordable through zoning actions.
2. This proposal is for mandatory and permanent affordable housing to be a part of every application when developers build in an area zoned for MIH.
3. This also includes applications, including rezonings and special permits, that substantially increase floor area above what is allowed by zoning.
4. Under the proposal, the City Planning Commission and City Council would apply one or both of the following requirements to each MIH area:
 - a. 25% of residential floor area must be for affordable housing units for residents with incomes averaging 60% AMI.

- b. 30% of residential floor area must be for affordable housing units for residents with incomes averaging 80% AMI.
5. In addition, the City Planning Commission and City Council could decide to apply an additional, limited “workforce” option (Option C) for markets where moderate- or middle-income development is marginally financially feasible without subsidy, in which case 30% of residential floor area must be for affordable housing units for residents with incomes averaging 120% AMI, but this will not apply to Manhattan Community Districts 1-8.
6. CB2 has been disappointed by the tendency in the Hudson Square Special District for developers to build without inclusionary units even though we were assured at the time of the rezoning that incentives would work to achieve the desired goals of diversity and affordability.
7. MIH would allow an increase to the height limit on Hudson Square narrow streets including for developments that do not provide inclusionary units, thereby allowing more development without necessarily providing more affordable units, and increasing the impacts of the recent Hudson Square Rezoning without review of the Environmental Impact Study.
8. MIH will also require affordable units where residential floor area is substantially increased by special permit or other zoning action in buildings with more than 10 units or more than 12,500 square feet of floor area, with buildings smaller than the thresholds required to contribute to an affordable housing subsidy fund for use within the Community District.

Therefore, be it resolved that CB2, Man.:

1. Supports this important initiative as it pertains to residential development in CB2.
2. Requests application of the inclusionary housing requirements to districts where VIH is now in place, especially in high value areas such as Hudson Square where there is no question that the requirements can be achieved without need for subsidies.
3. Is concerned that insufficient information has been provided to assure that the subsidy fund will be administered in a way that adds diversity and affordability in our neighborhoods.
4. Requests availability of the “workforce” option (Option C) if developers provide additional affordable units over a broad range of AMI bands;
5. Would recommend approval of height increases on narrow streets in Hudson Square if they applied only to inclusionary developments, but strongly opposes increases that will allow taller buildings even if no affordable units are provided.

Vote: Unanimous, with 38 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TB/fa

- c: Hon. Jerrold L. Nadler, Congressman
Hon. Deborah Glick, Assembly Member
Hon. Daniel Squadron, NY State Senator
Hon. Brad Hoylman, NY State Senator
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Margaret Chin, Council Member
Hon. Corey Johnson, Council Member
Hon. Rosie Mendez, Council Member
Sylvia Li, Dept. of City Planning